

the compensation of the Secretary of the said Board; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

BECK, Chairman.

Amendment No. 1.

Amend S. B. No. 589 by striking out Section 2 and substituting in lieu thereof the following:

"Sec. 2. The Legislature shall make appropriations for the compensation of the Adjutant General and Assistant Adjutant General, and their salaries shall be fixed by appropriation, and by statute otherwise. Article 7482 and that part of Article 6813 in conflict herewith are hereby repealed."

Amendment No. 2.

Amend the caption of S. B. No. 589 by adding before the words: "and declaring an emergency," the following:

"and providing for the fixing of the salaries of the Adjutant General and Assistant Adjutant General by appropriation, and repealing all parts of laws in conflict herewith,"

Committee Room,

Austin, Texas, April 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 245, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College of Texas; State Experimental Station; The North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; The University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State

Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; the Texas College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos; Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; Texas School for the Blind and Texas School for the Deaf; for the years beginning September 1, 1931, and ending August 31, 1933, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute bill for Senate Bill No. 245 do pass in lieu thereof and that the substitute bill be printed, and that the original bill be not printed.

BECK, Chairman.

FIFTY-EIGHTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas.
April 14, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 447.

The question recurred upon the motion to take up S. B. No. 447. The motion prevailed by the following vote:

Yeas—27.

Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nay—1.

Pollard.

Absent.

Beck.
Berkeley.

Greer.

The Chair laid before the Senate the following bill:

By Senator Parr:

S. B. No. 447, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission to construct a channel through Padre Island, Mustang Island and St. Jo Island, etc., and declaring an emergency."

Senator Moore moved to reconsider the vote by which his last amendment was adopted when the bill was under consideration before. The motion prevailed. Senator Moore withdrew the amendment.

Senator Moore sent up the following amendment:

Amend S. B. No. 447 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. The Game, Fish and Oyster Commission is hereby authorized and empowered to construct a channel through Padre Island, Mustang Island and St. Jo Island, or either or all of said islands, and to maintain said channel, said construction and maintenance to be paid for out of funds to be appropriated by the Legislature.

Sec. 2. The Legislature may appropriate the funds above authorized out of such special funds collected for the support and maintenance of the Game, Fish and Oyster Commission as may be available, but the Legislature shall never appropriate any money from the general revenue of the State for the purpose set out in Section 1 of this Act.

Sec. 3. The fact that the Game, Fish and Oyster Commission is contemplating the construction of a channel through Padre Island and is unwilling to undertake so large a project without the express sanction of the Legislature, and the fact that the calendar of both House of Representatives and Senate are crowded at this time, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days in both Houses, and said Rule is hereby suspended and this Act shall be in force

and effect from and after its passage, and it is so enacted.

And amend the caption to conform to the body of the bill.

MOORE,
PURL.

The amendment was read and adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 447 by adding a new section to read as follows:

Sec. 2a. Provided however that no monies shall ever be used for the purpose herein mentioned unless the minutes of Game, Fish and Oyster Commission show that expenditure was authorized by a majority vote of members of said Commission.

PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 447 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time.

Senator Woodruff sent up the following amendment:

Amend S. B. No. 447 by striking out the enacting clause.

WOODRUFF.

Read and lost by the following vote:

Yeas—3.

DeBerry.	Woodruff.
Small.	

Nays—25.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Beck.	Williamson.
Poage.	

The bill was finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Nays—4.

DeBerry.	Poage.
Hornsby.	Woodruff.

Absent.

Oneal.

Messages From the House.

Hall of the House of Representatives.
Austin, Texas, April 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. J. R. No. 25, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new section to be numbered 3, so as to authorize any county having more than 150,000 population to adopt a home rule charter for the establishment and regulation of its government, which may provide that the commissioners' court of

such counties may serve as the governing body, or that some other body shall act in lieu thereof, and said charter may also provide that the county judge, justices of the peace, district and county attorneys and other officers in said counties may be compensated by salary instead of fees of office, etc.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, April 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 536, A bill to be entitled "An Act to repeal Article 7065, and to amend Articles 7065a, e and j, Section 17, Chapter 88, House Bill No. 6, Acts of the Second Called Session of the Forty-first Legislature, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Simple Resolution No. 105.

Senator Purl sent up the following resolution:

Whereas, There is pending before this body several measures designed to regulate the motor traffic over the highways of this State; and,

Whereas, Members of the Senate for the past few months have been receiving information from various and varied sources on this important subject, a great deal of which is partisan; and

Whereas, It is the duty of this body to fix the weight limit and size limit upon a sound and sensible basis and our information should come from a scientific and unbiased source; and

Whereas, The State Highway Department of the State of Texas is in a position to furnish this information to this body; therefore, be it

Resolved That the President of the Senate be and is hereby requested to invite the State Department to furnish to this body, at the earliest date possible, such information as will assist us in intelligently arriving at the proper weight, length, width, height, and any other information that will assist us in this purpose.

PURL,
MOORE.

Read, and on motion of Senator Purl, laid on the table subject to call.

Messages From the House.

Hall of the House of Representatives.
Austin, Texas, April 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on S. B. No. 283 by a vote of 109 yeas and no nays.

Free Conference Committee Report

Committee Room,
Austin, Texas, April 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee appointed by your respective bodies to consider Senate Bill No. 283 and to adjust the differences between the two houses, having had said bill under consideration, beg to report that we have reached the following agreement, to-wit:

We have retained the House amendment in the second line of page 3 and have added thereto the following:

"Which authority is hereby expressly given; the said campus extensions"

And by adding after* the word "Dollars" in line 3, page 3, the following:

"no part of which shall be expended for or applied to the purchase price of the land known as the Cavanaugh tract; provided that of said \$200,000 an amount not to exceed Sixty-Five Thousand Dollars (\$65,000) may be expended for that property belonging to the Episcopal Church, Diocese of Texas, extending from Twenty-sixth street north to the Grace Hall property line and between Whitis and University avenues; and an amount not to exceed One Hundred and Thirty-Five Thousand dollars (\$135,000.00) may be expended for that property known as the Texas Wesleyan College property (Swedish Methodist College)"

We have retained the House amendment in the eighth line of page 5, and have added thereto the following:

"which authority is hereby expressly given; said campus extensions"

We have retained the House amendment changing the word "special" to "specified" in the caption of the original bill.

We therefore recommend that the bill in accordance with our recommendations become the law, and that this report as made by your Conference Committee be adopted.

Respectfully submitted,

MOORE,
HORNSBY,
HARDIN,
GAINER,
WOODRUFF,

On part of the Senate.

STEVENSON,
McGILL,
HOLDER,
POPE,
METCALFE,

On part of the House.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, April 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 474 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Adkins, Wagstaff, Pope, Bedford and Stevenson.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Williamson:

S. B. No. 594, A bill to be entitled "An Act amending Article 4006 by adding Article 4006-A, providing fur-

ther exceptions to Article 4005 providing certain railways and certain other companies may issue passes and extend certain privileges to Indian War veterans; providing generally therefor; and declaring an emergency."

Read and referred to Committee on Military Affairs.

By Senators Neal and Parrish:

S. B. No. 595, A bill to be entitled "An Act to provide for the sale of oil and gas leases on the Sabine River bed in Gregg County; to authorize the Commissioner of the Land Office to fix a minimum price for such leases; to provide for the payment of an annual rental and the disposition of all payments; to repeal all laws or parts of laws in conflict herewith; and declaring an emergency.

Read and referred to Committee on Public Lands and Land Office.

Motion to Set Special Order.

Senator Rawlings moved to set S. B. Nos. 181 and 180 and H. B. Nos. 335 and 336 as special order for Monday morning immediately following the special orders (S. B. Nos. 278 and 280) already set.

Senator Pollard moved as a substitute that H. B. Nos. 335 and 336 be set as special order for Thursday morning immediately following the morning call.

Senator Purl moved to table the substitute motion. The motion was lost by the following vote:

Yeas—12.

Berkeley.	Poage.
Hornsby.	Purl.
Loy.	Rawlings.
Moore.	Small.
Oneal.	Williamson.
Parrish.	Woodward.

Nays—17.

Beck.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Woodruff.
Hopkins.	Woodul.
Martin.	

Present—Not Voting.

Neal.

Absent.

Hardin.

The motion to set H. B. Nos. 335 and 336 as special order for Thursday was lost by the following vote:

Yeas—13.

Beck.	Patton.
Cousins.	Pollard.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Woodruff.
Hopkins.	Woodul.
Martin.	

Nays—18.

Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Greer.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Moore.	Small.
Neal.	Williamson.
Oneal.	Woodward.

Senator Williamson called for a division of the question on the motion to set S. B. Nos. 181 and 180 and H. B. Nos. 335 and 336 as special order Monday.

The question became the motion to set S. B. No. 180 as special order for Monday morning.

Senator Pollard moved as a substitute to set the bill as special order Friday morning following the special order already set.

On motion of Senator Woodruff, the previous question on the motion and the substitute was ordered.

The substitute motion prevailed by the following vote:

Yeas—19.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Gainer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodul.
Martin.	

Nays—12.

Cunningham.	Purl.
DeBerry.	Rawlings.
Greer.	Small.
Oneal.	Williamson.
Parrish.	Woodruff.
Poage.	Woodward.

The motion to set S. B. No. 181 and H. B. Nos. 335 and 336 as special order Monday was lost by the following vote:

Yeas—11.

Beck.	Purl.
Cunningham.	Rawlings.
Greer.	Williamson.
Hornsby.	Woodruff.
Oneal.	Woodward.
Parrish.	

Nays—17.

Berkeley.	Moore.
Cousins.	Neal.
DeBerry.	Parr.
Gainer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hopkins.	Stevenson.
Loy.	Woodul.
Martin.	

Absent.

Poage.	Thomason.
Small.	

Executive Session Postponed.

At 11:55 o'clock a. m., the Chair announced that the hour for the executive session had arrived.

On motion of Senator Pollard, the executive session was postponed until just prior to adjournment this afternoon.

House Bill Referred.

H. B. No. 536 referred to Committee on State Affairs.

Simple Resolution No. 106.

Senator Purl sent up the following resolution:

Be It Resolved That the rules of the Senate be amended to read as follows:

I.

Not more than two special orders shall be pending at the same time.

II.

Motion to set as special order shall only be entertained during the first 45 minutes after the morning call.

PURL.

Read and referred to Committee on Rules.

Motions to Set Special Order.

On motion of Senator Beck, S. B. No. 245 was set as special order for 2 p. m. next Monday.

Senator Woodruff moved to set S. B. No. 181 and H. B. Nos. 335 and 336 as special order for Friday immediately following S. B. No. 180. The motion prevailed by the following vote:

Yeas—18.

Berkeley.	Oneal.
Cousins.	Parrish.
DeBerry.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Hornsby.	Rawlings.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.

Nays—9.

Beck.	Patton.
Holbrook.	Russek.
Hopkins.	Stevenson.
Martin.	Woodul.
Parr.	

Present—Not Voting.

Gainer.

Absent.

Cunningham.	Thomason.
Small.	

Senator Neal moved to set S. B. No. 74 as special order for Friday immediately following the special orders already set.

Recess.

On motion of Senator Purl, the Senate, at 12:08 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 317.

The question recurred upon the substitute motion to recommit S. B. No. 317.

Senator Pollard withdrew his motion to have the amendment printed in the Journal.

Senator Loy renewed his motion to recommit the bill and the pending amendment.

Senator Pollard received unanimous consent to send up the following substitute for the amendment to

be read only until the pending motion was disposed of:

Substitute for the pending amendment:

To amend Senate Bill No. 317 by striking out all after the enacting clause and substituting in lieu thereof the following, so as to make said Bill in said portion read:

Section 1: For the purpose of this Act, by the term local recording agent is meant a person or firm engaged in soliciting and writing insurance, being authorized by an insurance company or insurance carrier to solicit business and to write, sign, execute and deliver policies of insurance and to bind companies on insurance risks, and who maintains a record of such business and the transactions which are involved, who collects premiums on such business and otherwise performs the customary duties of a local recording agent representing an insurance carrier, in its relations with the public.

Sec. 2: For the purposes of this Act, by the term solicitor is meant a person engaged in soliciting insurance on behalf of a local recording agent, who does not sign and execute policies of insurance and who does not maintain company records of such transactions. This shall not be construed to make a solicitor of a local recording agent who places business of a class which the rules of the company or carrier require to be placed on application or to be written in a supervisory office.

Sec. 3: In order that rates of premiums for insurance shall be reasonable the Board of Insurance Commissioners is hereby authorized and empowered, after public hearing held following a notice of such hearing given by publishing a copy of such notice in eighteen daily newspapers, one in each congressional district of Texas, at least 20 days prior to such hearing, to determine and prescribe reasonable maximum salaries to be paid all officials of all insurance companies operating in Texas; the maximum dividends to be paid by all insurance companies; rates of commission or other compensation or other thing of value which may be paid, directly or indirectly, by an insurance company or carrier in this State granting insurance against losses from hazards arising from the ownership and/or operation of any motor vehicle and/or for

insurance against tornado, windstorm, or other elements, fire and/or insurance of other classes of risks which may be legally undertaken by fire insurance companies, to local recording agents for services in connection with the business of such agents, and also other insurance companies operating in Texas including any and all forms of insurance sold in Texas.

Sec. 4: In order that the rates of premiums for insurance shall be reasonable and at the lowest rate possible to be obtained in Texas, the Board of Insurance Commissioners is hereby authorized and empowered, after notice and hearing as provided herein, to determine and prescribe reasonable maximum rates of premiums to be paid by the insured and commission or other compensation or other thing of value which may be paid, directly, or indirectly, to any official of any insurance company or to any solicitor in connection with insurance against losses from hazards arising from the ownership and/or operation of any motor vehicle and/or for insurance against tornado, windstorm, or other elements, fire and/or insurance of other classes of risk which may be legally undertaken by fire insurance companies, or any other insurance company operating in Texas.

Sec. 5: The Board of Insurance Commissioners is hereby authorized and empowered to establish such rules and regulations as they may deem necessary to carry out the purposes of this Act and to prevent any direct or indirect evasion of the provisions of this Act and shall, after notice and hearing as herein provided, within ninety days after this Act takes effect, by its order duly made and entered of record, determine and prescribe and fix such reasonable maximum rates of premiums to be charged of all forms of insurance written in Texas, of commissions or other compensation or other thing of value in compliance with this Act.

Sec. 6: That the Board of Insurance Commissioners in prescribing the maximum premiums and/or commissions or other compensations or other thing of value which may be paid to local recording agents and/or to solicitors shall not be guilty of any discrimination against any company or any such local recording agent and/or solicitor, and the maximum

commissions prescribed shall be uniform for the class of risk to which it applies, applicable through out the State of Texas, and shall remain in force until the Board of Insurance Commissioners shall, after notice and hearing as herein provided, prescribe another or different reasonable maximum premiums and/or salary, or commission of other compensation or other thing of value. Nothing herein shall prevent the Board of Insurance Commissioners from prescribing a different reasonable maximum premium and/or commission of other compensation or other thing of value for some classes of risks from that prescribed for other classes of risks, provided, the Board in fixing, or in refixing such maximum commissions, or other compensation, may take into consideration the good fire record credit or the bad fire record penalty of any city or town, to encourage elimination of fire waste, provided the Commission prescribed shall be paid in the total premium collected.

Sec. 7: The Board of Insurance Commissioners in fixing such premiums and salaries commission or other thing of value to be paid, or in refixing the same, shall make their order effective at some time in the future not to be sooner than sixty (60) days after the date of the said order not longer than four (4) months after the date of the said order.

Sec. 8: It shall be unlawful to pay any local recording agent, or any solicitor in this State, directly or indirectly, as a commission or other compensation or other thing of value on the insurance business described by this Act, any greater commission or other compensation or other thing of value than that prescribed by the Board under the authority of this Act.

Sec. 9: It shall be unlawful for any local recording agent or solicitor in this State on any of the insurance business described by this Act to receive or collect, directly or indirectly, any greater commission or other compensation or other thing of value than that fixed by the Board of Insurance Commissioners in its order under the authority of this Act.

Sec. 10: Any insurance carrier who shall violate any of the provisions of this Act or any order of the Board of Insurance Commissioners

made under the authority of this Act shall be subject to a revocation by the Board of Insurance Commissioners of its permit or license to do business in this State, after a hearing before the said Board, after reasonable notice of not less than ten (10) days nor more than twenty (20) days of such hearing and on such revocation no new license or permit shall be issued to it within a period of twelve (12) months following such revocation.

Sec. 11: Any local recording agent or solicitor who shall violate any of the provisions of this Act or any order of the Board of Insurance Commissioners made under the authority of this Act may be subject to a revocation by the Board of Insurance Commissioners of his license to do business in this State after a hearing before the said Board after reasonable notice of not less than ten (10) days nor more than twenty (20) days of such hearing, and on such revocation no new license shall be issued to him within a period of twelve (12) months following such revocation unless good cause is shown for an earlier issue of said license.

Sec. 12: In the event the Board of Insurance Commissioners at any such hearing as above provided for shall order the revocation of the license or permit there involved, the company, carrier, local recording agent or solicitor affected shall have the right within thirty (30) days following such action to institute a suit against the Board in a court of competent jurisdiction, to set aside such revocation.

Sec. 13: If any clause or provision of this Act shall be held unconstitutional, the other clauses and provisions hereof shall, nevertheless, be and remain in full force and effect. The Board of Insurance Commission shall first consider in considering the setting of said premium rates or Commissions that the public shall receive the cheapest rate possible on all premiums.

Sec. 14: All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 15: The fact that there is no law in this State regulating reasonable maximum commission or compensation which may be paid to local recording agents and solicitors, and such regulation is necessary to the

establishment of reasonable rates of premiums in this State and existing conditions affect adversely the public interest, create and emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days in each house of the Legislature, and the further rule as to when laws shall take effect, and said rules and each of them are hereby suspended and this act shall take effect from and be in force from and after its passage, and it is so enacted.

POLLARD.

The amendment was read.

Senator Russek moved to table the motion to recommit. The motion prevailed by the following vote:

Yeas—21.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Hopkins.	Williamson.
Hornsby.	Woodul.
Martin.	Woodward.
Neal.	

Nays—10.

DeBerry.	Poage.
Holbrook.	Purl.
Loy.	Rawlings.
Moore.	Thomason.
Oneal.	Woodruff.

The question recurred upon the substitute by Senator Pollard for the pending amendment.

Senator Woodul raised the point of order that the substitute was not germane to the bill.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Woodul moved to table the substitute for the amendment. The motion prevailed by the following vote:

Yeas—18.

Beck.	Hornsby.
Berkeley.	Martin.
Cousins.	Moore.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Patton.

Russek.	Williamson.
Small.	Woodul.
Stevenson.	Woodward.

Nays—13.

Cunningham.	Poage.
DeBerry.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Loy.	Thomason.
Oneal.	Woodruff.
Parrish.	

Senator Moore sent up the following amendments to the amendment:

Amend Amendment No. 1 to S. B. No. 317, Section 3, line 12, by striking out all after the word "commission" down to and including the word "paid" in line 14 on the Senate Journal and substitute in lieu thereof the following: "and no other compensation or other thing of value shall be paid."

MOORE.

Read and adopted.

Amend Amendment No. 1 to S. B. No. 317, Section 4, by striking out the following: "or other compensation or other thing of value which may be paid, directly or indirectly."

MOORE.

Read and adopted.

Amend Amendment No. 1 to S. B. No. 317, Section 5, by striking out the following: "or other compensation or other thing of value."

Read and adopted.

Amend Amendment No. 1 to S. B. No. 317, Section 6, lines 3 and 4 of the Journal, by striking out the following: "or other thing of value."

MOORE.

Read and adopted.

Amend Amendment No. 1 to S. B. No. 317, Section 6, lines 19 and 20 of the Journal, by striking out the words "or other thing of value."

MOORE.

Read and adopted.

Amend Substitute for S. B. No. 317, Section 6, lines 28 and 29 of the Journal, by striking out the words "or other thing of value."

MOORE.

Read and adopted.

Amend Amendment No. 1 to S. B. No. 317, Section 6, line 14, by striking out the following: "or other thing of value."

MOORE.

Read and adopted.

Amend Amendment No. 1 to S. B. No. 317, Section 6, lines 16 and 17, the following: "or other compensation."

MOORE.

Read and adopted.

Amend Amendment No. 1 to S. B. No. 317 by striking out all of Section 7, and inserting in lieu thereof the following:

"Sec. 7. The Board of Insurance Commissioners in fixing such commissions or in refixing same hereunder shall make their order effective at some time in the future not sooner than sixty (60) days after the date of the said order nor longer than four (4) months after the date of said order."

MOORE.

Read and adopted.

Amend the amendment to S. B. No. 317 by adding a new section to be known as Section 12-a, as follows:

Sec. 12-a. In arriving at the rate of commission to be paid agents under this Act, the Board of Insurance Commissioners shall not allow other compensation or other thing of value, directly or indirectly, but it is specifically provided herein that the maximum rate fixed by the Board of Insurance Commissioners shall represent the total amount of compensation to be paid by the insurance carrier or insurance company. It is also expressly provided herein that the maximum commission fixed by the Board of Insurance Commissioners shall apply to general agents and home office representatives the same as it applies to soliciting agents and recording agents; provided that if salaries or other compensation or other things of values are paid general agents or home office representative, the amount thus paid shall not, in the aggregate, exceed the amount of commission fixed by the Board of Insurance Commissioners.

MOORE,
LOY.

The amendment to the amendment was read.

Senator Senator Purl sent up the following substitute for the amendment to the amendment:

Amendment to read as follows: "No general agent shall be permitted to receive a larger commission by

virtue of any local agent's commission being reduced."

PURL.

The substitute was read.

Senator Purl received unanimous consent to change his substitute to an amendment to the amendment by Senator Moore. The amendment to the amendment was adopted.

The amendment by Senator Moore to the amendment was adopted.

Senator Oneal sent up the following amendment to the amendment:

Amend the amendment to Senate Bill No. 317 by adding after Section 6 a section to be numbered Section 6a, as follows: "The Board of Insurance Commissioners is hereby authorized and empowered to determine and prescribe reasonable rates of commission, in lieu of reasonable maximum rates, as hereinbefore provided, if said Board of Insurance Commissioners should determine that the public interest will be better served by so fixing and prescribing reasonable rates than by fixing and prescribing reasonable maximum rates."

ONEAL.

Read and adopted.

Senator Pollard sent up the following amendment to the amendments:

Amend S. B. No. 317 by adding a new section to be known as Section "13-A" as follows: "The Commission shall only enter such orders setting rates of premium charged and of commissions allowed as will provide the lowest possible reasonable minimum cost to the assured."

POLLARD.

Read and adopted.

Amend Section 1 by striking out in line 6 of said amendment, after the word "maintains," the words "an office and" and add in lieu thereof the word "a."

POLLARD.

The amendment to the amendment was read.

Senator Woodul moved to table the amendment to the amendment. The motion prevailed by the following vote:

Yeas—17.

Beck.
Berkeley.

Cousins.
Gainer.

Greer.	Purl.
Hornsby.	Russek.
Moore.	Stevenson.
Oneal.	Williamson.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

Nays—8.

DeBerry.	Pollard.
Holbrook.	Rawlings.
Loy.	Thomason.
Neal.	Woodruff.

Present—Not Voting.

Cunningham.

Absent.

Hardin.	Poage.
Hopkins.	Small.
Martin.	

Senator Pollard sent up the following amendment to the amendment:

Amend Section 2, line 2, by striking out after the word "person" the words "officing with and."

POLLARD.

Read and, on motion of Senator Woodul, tabled.

Amend the amendment to S. B. No. 317 by adding at the end of paragraph 1, the following: "Nothing in this Act shall abrogate the right of private contract."

POLLARD.

The amendment to the amendment was read.

Senator Woodul moved to table the amendment to the amendment. The motion prevailed by the following vote:

Yeas—17.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hornsby.	Williamson.
Martin.	Woodul.
Neal.	Woodward.
Parr.	

Nays—14.

Cunningham.	Oneal.
DeBerry.	Poage.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Loy.	Thomason.
Moore.	Woodruff.

Senator Woodul moved the previous question on the further consideration of the bill. The previous question failed to be ordered by the following vote:

Yeas—15.

Beck.	Parrish.
Berkeley.	Russek.
Gainer.	Small.
Hornsby.	Stevenson.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Nays—15.

Cousins.	Oneal.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Thomason.
Hopkins.	Woodruff.
Loy.	

Absent.

Poage.

The amendment (by Senator Woodul) as amended was adopted by the following vote:

Yeas—24.

Beck.	Parrish.
Cousins.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Hornsby.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodul.
Parr.	Woodward.

Nays—7.

Berkeley.	Loy.
Cunningham.	Rawlings.
Holbrook.	Woodruff.
Hopkins.	

Senator Woodul received unanimous consent that the caption be amended to conform to the body of the bill as amended.

The bill was passed to engrossment by the following vote:

Yeas—22.

Beck.	Gainer.
Cousins.	Greer.
DeBerry.	Hardin.

Hornsby.	Poage.
Martin.	Purl.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Williamson.
Parrish.	Woodul.
Patton.	Woodward.

Nays—9.

Berkeley.	Pollard.
Cunningham.	Rawlings.
Holbrook.	Thomason.
Hopkins.	Woodruff.
Loy.	

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 317 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—2.

Rawlings.	Woodruff.
-----------	-----------

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Russek.
Hornsby.	Small.
Martin.	Stevenson.
Moore.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.

Nays—9.

Berkeley.	Hopkins.
Cunningham.	Loy.
Holbrook.	Pollard.

30—Jour.

Rawlings.	Woodruff.
Thomason.	

Free Conference Committee Report.

Senator Moore sent up the following Free Conference report:

Committee Room,

Austin, Texas, April 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee appointed by your respective bodies, to consider Senate Bill No. 283 and to adjust the differences between the two houses, having had said bill under consideration, beg to report that we have reached the following agreement, to-wit:

We have retained the House amendment in the second line of page 3 and have added thereto the following:

"Which authority is hereby expressly given; the said campus extensions"

And by adding after the word "Dollars" in line 3, page 3, the following:

"no part of which shall be expended for or applied to the purchase price of the land known as the Cavanaugh tract; provided that of said \$200,000 an amount not to exceed Sixty-Five Thousand Dollars (\$65,000) may be expended for that property belonging to the Episcopal Church, Diocese of Texas, extending from Twenty-sixth street north to the Grace Hall property line and between Whitis and University Avenues; and an amount not to exceed One Hundred and Thirty-Five Thousand Dollars (\$135,000.00) may be expended for that property known as the Texas Wesleyan College property (Swedish Methodist College)"

We have retained the House amendment in the eighth line of page 5, and have added thereto the following:

"which authority is hereby expressly given; said campus extensions"

We have retained the House amendment changing the word "special" to "specified" in the caption of the original bill.

We therefore recommend that the bill in accordance with our recommendations become the law, and that

this report as made by your Conference Committee be adopted.

Respectfully submitted,

MOORE,
HORNSBY,
HARDIN,
GAINER,
WOODRUFF,

On part of the Senate.

STEVENSON,
McGILL,
HOLDER,
POPE,
METCALFE,

On part of the House.

Read and adopted by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
ONeal.	

Adjournment.

On motion of Senator Woodul, the Senate, at 5:05 o'clock p. m., adjourned until 5:10 o'clock p. m. to-day.

APPENDIX.

Petitions and Memorials.

Geo. L. Dexter, 1st Vice President.
Harry I. Maxson, 2nd Vice President.
R. W. Thompson, President.
E. M. Belcher, Secretary.
Tom P. Ellis, Treasurer.

DALLAS INSURANCE AGENTS
ASSOCIATION, Inc.

Affiliated with Dallas Chamber of
Commerce

Dallas, Texas, April 4, 1931.
Hon. George C. Purl, Texas State
Senate, Austin, Texas.
In Re: House Bill 512
Senate Bill 317

Dear Senator Purl: Under date of
March 16 the Dallas Insurance

Agents Association addressed you a communication protesting the passage of the above bills. The main objection to the passage of the bills, at that time, was that portion of the bills which provided that the commission to be paid the local agents in this State upon fire, tornado and automobile insurance should be fixed by the Legislature itself.

We now have before us an amendment to these bills which we are informed will be submitted for the consideration of the House of Representatives and Senate at a very early date, and this is to advise you that the bill in its amended form meets with our hearty approval and we are going to request that you use every effort to have this amended bill enacted.

We believe there is a great public demand for this bill and that the business of insurance will be put on a more sound and stable basis by its enactment.

A great deal of thought and consideration has been given to this amended bill by the Texas Association of Insurance Agents, the National Association of Insurance Agents and the Dallas Insurance Agents Association, all of whom agree that if this bill is enacted in its amended form a great deal of good will come to the people of this State.

These bills, in connection with the Agency Licensing Bill, being House Bill 224 and Senate Bill 102, which is now before you for your consideration, having been reported favorably by your representative committee, will unquestionably reduce the fire waste and loss of life and property in this State which will ultimately result in a lower insurance premium to the people.

We realize that it is getting late in the session and will therefore appreciate your putting forth some special effort to the end that this much needed legislation may not die on the calendar.

This letter is written to you in conformity with a resolution passed yesterday by the Dallas Insurance Agents Association, which Association is composed of practically all of the insurance agencies in the City of Dallas.

Thanking you in advance for your efforts in this connection, and as-

suring you of our appreciation of your services to the people of this County, we are

Yours very truly,

DALLAS INSURANCE
AGENTS ASSOCIATION,

By R. W. THOMPSON, Pres.

Attest:

E. M. BELCHER, Sec.

Committee Reports.

Committee Room.

Austin, Texas, April 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 440, A bill to be entitled "An Act providing that in every case appealed from the Industrial Accident Board to a District or County Court, the Clerk of such Court shall, within twenty days after the filing thereof mail to the Industrial Accident Board a notice of such filing, and shall within twenty days after the judgment is rendered in such suit, mail to the Industrial Accident Board a copy thereof; and providing that the attorney preparing judgments in such cases shall file the original and one copy; and providing a penalty for failure to comply with this Act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, April 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 439, A bill to be entitled "An Act to empower tax collectors in this State to execute and deliver assignments of tax liens to any person, firm or corporation paying such taxes, when requested to do so, and joined in such assignments by the person, firm or corporation due and owing such taxes or owning the property on which such taxes are assessed; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, April 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 423, A bill to be entitled "An Act to amend Article 4982, Title 78 of the Revised Civil Statutes of Texas of 1925, so as to provide that any person or association of persons, any banking corporation, trust company, or any other domestic corporation, or any other corporation organized under the laws of any other State, provided such corporation complies with the laws of this State relating to insurance other than life, shall have power and authority to qualify and perform every act as guardian, curator, executor, administrator, assignee, receiver, trustee by appointment of any Court, or under any Court, without giving bond as such under the provisions of the laws of this State; and providing that the Court may require additional bond if in its judgment this be required to protect the rights of the parties to the proceedings; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, April 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 227, A bill to be entitled "An Act to amend Article 2645, Chapter 26, of the Revised Civil Statutes of the State of Texas, so as to provide that if upon the settlement of the final account of any executor or administrator, the heirs, devisees or legatees of an estate or their assignees, do not appear, etc., such property to be escheated directly to the State etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, April 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 98, A bill to be entitled "An Act to amend Article 2806, Revised Civil Statutes, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, April 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Educational Affairs, to whom was referred

S. B. No. 538, A bill to be entitled "An Act to provide free textbooks for cities of ten thousand or over according to the last U. S. census, preceding; to apportion money for that purpose; to secure lowest net prices; to provide for the carrying out of present state contracts; to provide supplementary reading; to regulate the textbook apportionment; to allow cities choice methods of obtaining books; to provide how cities of less than ten thousand but with over two thousand scholastic population may obtain free textbooks; to repeal conflicting laws and for other purposes; providing generally for carrying out the purpose hereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

S. B. No. 538, A bill to be entitled "An Act to provide free textbooks for cities of ten thousand or over according to the last U. S. census,

preceding; to apportion money for that purpose; to secure lowest net prices; to provide for the carrying out of present state contracts; to provide supplementary reading; to regulate the textbook apportionment; to allow cities choice methods of obtaining books; to provide how cities of less than ten thousand but with over two thousand scholastic population may obtain free textbooks; to repeal conflicting laws and for other purposes; providing generally for carrying out the purpose hereof; and declaring an emergency."

Beg to differ with a majority of the committee, and report the same back to the Senate with the recommendation that it do not pass.

NEAL.

Committee Room,
Austin, Texas, April 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 590,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 620,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, April 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 956,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WILLIAMSON, Chairman.